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**MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES STATE
DEPARTMENT OF ENVIRONMENT**

WORKSHOP ON REVIEW OF THE DRAFT CHEMICALS REGULATIONS



NAIVASHA, 26TH TO 29TH JUNE 2017

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Introduction

Kenya is Party to the Basel Convention on Control of the Movement of hazardous waste and their disposal, Rotterdam convention on prior informed consent procedure on export and import certain pesticides and industrial chemicals, the Stockholm convention on Persistent organic pollutants (POPs) and a signatory of the Minamata Convention on mercury. All the relevant articles from the above conventions need to be documented through the draft Chemicals management Regulations. In March 2017 during a workshop at Masada Hotel several key provisions in the conventions were highlighted. The workshop recommended that draft Chemicals management regulations gaps be reviewed and where necessary new regulations be formulated.

Objectives

The main objective was to address how chemicals and waste issues in the Basel, Rotterdam, Stockholm and Minamata Conventions can be domesticated.

The specific objectives were to;

- i) Do a gap analysis for chemicals and wastes.
- ii) Get a view of stakeholder consultations for recommendations made in the March meeting
- iii) Make draft recommendations to be incorporated in the draft regulations
- iv) Address the relevant provisions of the Minammata Convention
- v) Prepare an information and policy note
- vi) Consider other stakeholders' views

Methodology

The workshop lasted three days guided by the workshop programme (copy attached). The facilitators prepared the workshop materials prior to the training and presented to the participants. The workshop majored on participatory approach in which case the participants were able to seek for guidance and engage the facilitator as was necessary.

Proceedings and key highlights

The workshop started by opening statements delivered by representative of the Ministry of Environment and Natural Resources (MENR). Mr, Kihumba, the Deputy Project Manager who covered the following;

Background information on the project on UPOPS Reduction and mainstreaming of chemicals and waste issues. He reported its main *objective is to protect human health and environment by mitigating the risks posed by production, use, import & export of toxic and hazardous industrial chemicals and materials, by reducing/ preventing the release of U-POPs and toxic compounds originating from unsafe management of the same.*

He emphasised on the need to include the relevant provisions of the Minamata convention, which would be coming into force in August 2017, besides the existing conventions such as Rotterdam, Stockholm and the Basel that have been partially domesticated through the draft Chemicals management regulations.

For the upcoming Minamata convention, he proposed the following:

- Those regulations be developed on mercury use as well as the mercury added products. He requested stakeholders to propose the institution to take charge of the convention. Is it the mining ministry or the environment ministry?
- Update the inventory on the amount of mercury in the country established earlier.
- Formulate regulations/guidelines on the use of mercury in artisanal gold mining since its use is a major concern.

Dr. Mumbo from NEMA presented the draft Toxic and Hazardous Chemicals management Regulations to the members and the following comments were noted:

1. That key provisions for the management of toxic and hazardous chemical and materials under the PIC and POPs conventions were covered while the ODS issues were domesticated under a separate regulation.
2. Those general provisions to cater for current and upcoming conventions to be developed under these regulations. It was reported the format of these regulations should ensure that any amendments to the conventions is automatically reflected in these regulations. Hence the need to develop a mechanism that informs the public on these changes and suggestions that NEMA could be updating these changes in the website or that addendums are done to these regulations

3. That under Part 5 on Classification, parameters under Tratogenic Classification is missing
4. That the Fourth schedule needs to be updated.
5. There was need to define the term materials
6. That regulation 34: Methods of monitoring should be specified.
7. Under the first schedule on application for registration, the following issues arose;
 - ✓Should the first applicant pay for the registration fee whereas the consequent applicants of the same chemical and hazardous material don't pay?
 - ✓Should we have all users/producers/importers registering for the same chemical and material or is registration for a singular chemical and material?
 - ✓What of the scenario whereby a chemical and material is sourced from different countries or different factories in the same country?

Emerging issues

There were a number of issues, comments or concerns from the participants which included;

- i) That NEMA needs to develop regulations on remediation of contaminated sites and the remediation standards
- ii) That Standards on UPOPS should be developed.
- iii) That SAICM issues should be incorporated in the chemical regulations
- iv) That Information exchange between parties (countries) should be elaborated.
- v) Provide a reporting mechanism to the secretariats on the various conventions needs to be developed.
- vi) That besides MEAs, there are other sources of information to guide on banning or restricting chemicals and materials.
- vii) To ensure that the existing harmonized system codes and CAS numbers are implemented at the ports of entry, as well as enhancing capacity for the port officers.

- viii) Create provision for introduction of improved technology, better alternatives, cleaner production or better environmental practices e.g. recycling, re-use and improved waste disposal sites in the regulations.

Way forward

It was issued by Mr. Kihumba from the Ministry of Environment and Natural Resources (MENR) as he gave his closing remarks, he said that;

1. UPOPs project was targeting public hospitals in order to develop safer methods of disposal of medical waste besides the conventional burning. As a matter of fact, there was an on-going workshop organized by the Ministry of Health that was running parallel to the chemicals workshop.
2. Participants were requested to internalize the draft regulations before the next meeting as this would save on time spent clarifying issues as opposed to adding value to the working document.

He then thanked the whole team for the good work and that the outcome of this workshop would help the policy makers on how to proceed with domestication of the 4 conventions and sound management of chemicals in Kenya.

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